



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
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ZBA Case # 1421-2013

Date: September 10, 2013

Name: Michael Zagami

Location: 15 Lodi Rd.

Zoning Board of Appeals Notice of Decision

The Zoning Board of Appeals, acting under the Zoning Ordinance of the City of Marlborough and the Zoning Enabling Act of the Commonwealth of Massachusetts, after a public hearing held at the Marlborough City Hall, 140 Main St. on August 27, 2013 made the following decisions.

Petition: Michael T. Zagami is requesting a side yard setback variance of 7.5 ft. vs. the minimum required 10 ft. Thus a deviation of 2.5 ft. The proposal is to allow the petitioner to construct an attached 28 x 22 foot, 2 car garage. The property in question, known as 15 Lodi Road, is located in Zoning District A-3, Map 32, Parcel 50 of the Zoning Assessor's Maps.

After due consideration of the petition, the Board **voted 4-0** with Paul Giunta-Acting Chairman, Ralph Loftin, Jay Whittaker and Mitchell Gorka to (GRANT) a variance, on the ground that a literal enforcement of the Ordinance would involve substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Ordinance.

Variance granted – The proposed attached 2 car garage (28 ft. x 22 ft.) will be no closer than 7.5 ft. from the side lot line, thus a deviation of 2.5 ft.

Therefore, the Board **voted 4-0** voting in the affirmative to grant a variance on the following terms and conditions:

1. The approved plan is entitled: Certified Plot Plan of Land in Marlborough, MA, dated June 7, 2013, Scale 1" = 20'. Prepared by Thomas Land Surveyors, and stamped by Thomas P. DiPersio.
2. The proposed 2 car garage will not be closer than 7.5 ft. from the side lot line, thus a deviation of 2.5 ft.
3. The second floor of the proposed 2 car garage will be used for additional storage; and, will not be utilized as living space.
4. No Building Permits can be issued until such time as the applicant presents to the Building Inspector evidence that said variance with its restrictions has been filed with the Registry of Deeds or Land Court as applicable.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section II (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city clerk that twenty days have elapsed after the decision has been filed in the office of the city clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance, such rights shall lapse; provided however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.

Respectfully submitted,

Zoning Board of Appeals
Paul Giunta – Acting Chairman

Submitted to the City Clerk's office on September 10, 2013.